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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Sixth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 December 1991, at 10 a.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS (agenda item 7) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Sweden (E/1990/7/Add.2) (continued)

1. Mr. DANIELSSON (Sweden), replying to the questions put to him by members of the Committee, said that he would first take up those concerning the general framework within which the Covenant was implemented. Several questions had dealt with women's earnings and place in the field of employment. Women earned less than men because they tended to work part-time and were more often employed in sectors where wages were relatively low. However, those income disparities were smaller than in many other countries, owing to the measures taken with regard to low-paid employees and the amendments to the Equal Opportunities Act, which now prohibited differences in male and female salaries and obliged employers to close such gaps wherever they existed. In addition, a commission had been set up very recently to study the matter and propose ways of improving the situation. The Government was also sponsoring a number of female employment projects designed mainly to promote non-traditional activities and revitalize traditional ones.

2. In reply to the questions asked about disputes concerning the application of the Equal Opportunities Act, he said that such disputes could be settled through the trade unions, by the competent ombudsman, in negotiations between the parties concerned or by means of collective bargaining agreements. As a last resort, action could be taken in the courts.

3. Concerning the statistical breakdown of students by sex, he pointed out that the figures varied depending on the career chosen. At one extreme, in the technical professions, women accounted for only 24 per cent of personnel whereas in the health professions, at the other extreme, 80 per cent were female. In higher education, 46 per cent of teachers were women, 6 per cent of whom held full professorships.

4. Replying to the questions concerning the incorporation of the Covenants on Human Rights into national legislation and the place of the Constitution in domestic law, he said that it was possible to invoke chapter II of the Constitution before Swedish courts but if the contested provision had been decided upon by Parliament or the Executive, the court could only make a ruling if a fault was manifest. The new jurisprudence of the Supreme Court, according to which national law was to be interpreted in the light of Sweden's treaty obligations, was certainly an important step forward but it did not represent a new, monistic approach. Moreover, it was too early to say whether the new Government in power would follow the many other European countries that were automatically incorporating the international human rights instruments into their legislation.

5. On the question of protection by the State of the right to practise the religion of one's choice, a right that might appear to be jeopardized by the existence of a State religion, he pointed out that Sweden did not have a State religion but a State church, which anyone was free to leave.

6. The Law Council, composed of three judges chosen from the Supreme Court and the highest administrative tribunal in a proportion varying according to the matter brought before it, was not a constitutional court. Its function was to examine legislative proposals before they were put to Parliament in order to determine their constitutionality. It did not act as a tribunal and never heard cases brought by individuals.

7. Turning to the questions asked about protection of the right to education, he said that he would first reply to the one concerning restrictions on the right to open private schools. Those restrictions were applied under the law on compulsory education. Private schools were subject to the same criteria and obligations as public schools and were required to promote the fundamental values of Swedish society and the democratic principles of tolerance and equality of rights. With regard to pupil participation in decision-making, the School Act of 1985 gave pupils a say in the education they received, a right they exercised more widely as they grew older. The local school board was, of course, responsible for overseeing practical arrangements. The services of at least one adviser were available for each class.

8. Regarding the assistance given to refugee students, and the risk of thereby aiding terrorists, Sweden would be in breach of article 2, paragraph 2, of the Covenant if educational assistance were denied to refugees. If a student residing in Sweden was suspected of terrorism, he became liable to legal action by the public prosecutor or extradition. In the first case, Sweden ensured that proceedings were instituted only where sufficient evidence had been gathered; in the second case, it made sure that the person was not extradited to a country that practised torture or other inhuman or degrading treatment, or that more generally failed to apply the international human rights instruments.

9. With regard to the salaries and status of teachers and the collective bargaining arrangements which existed for them, he said that teachers were, in a sense, civil servants employed by the municipalities; they were recruited on the basis of their qualifications; their salaries were comparable to those of civil servants in other categories with the same qualifications; and they could be represented in salary negotiations and protected by collective bargaining agreements.

10. Regarding the provision of free education, the situation had not changed since the time of writing of Sweden's initial report, which had indicated that education was free of charge. On the more specific question of financial support for handicapped pupils in secondary education, subsidies were allocated for such pupils in an amount ultimately equivalent to the subsidies granted for pupils in ordinary classes for the duration of their compulsory education. Allowances for lodging and other assistance covered the additional costs.

11. Concerning action to combat drug abuse, schools regularly informed pupils of the dangers involved. Responsibility for individual cases rested with the social services working in cooperation with schools, the police, competent non-governmental organizations and others.

12. It had also been asked whether teachers continued with their professional activities after retirement. That was sometimes the case, as far as he knew, but could only be a matter of personal choice.

13. In response to the request for statistics on secondary education, he said that the total number of pupils was about 290,000, of whom 52 per cent were in general education and 48 per cent in vocational education. In higher education, there were about 176,000 students. No figures were available on school drop-outs but that did not mean that the problem did not exist. It should be borne in mind, however, that a pupil at the secondary or higher level could interrupt his studies for what might be termed a sabbatical year and easily resume them. Moreover, a pupil who abandoned his studies could continue them later under a training programme for adults.

14. Turning to the questions on the implementation of article 15 of the Covenant concerning cultural life, he indicated, with regard to the place of foreign programmes on Swedish television and measures to regulate the media, that radio and television programmes were planned by a Swedish corporation licensed by the State. That corporation was required, under the agreement it had signed with the Government, to broadcast a full range of programmes in the Swedish language. An agreement had also been made recently with another company, to be financed by advertising, which had undertaken to devote at least 50 per cent of its broadcasting time to programmes in the Swedish language. Satellite television was not subject to any particular regulation. Ownership of sound and visual recordings was protected under Swedish legislation, as were the copyrights of nationals of States parties to the Bern Convention.

15. Only films were subject to censorship. The special authority appointed to certify films for release in Swedish cinemas paid particular attention to violent films and films for children, and refused to issue a certificate if it felt that a film might be harmful to the public.

16. In reply to the questions concerning protection of the cultural identity of immigrants and Gypsies, he said that the State allocated subsidies for those minorities particularly through their associations or newspapers published in their languages. It also subsidized their literary and artistic production, libraries and public school education in their various languages, of which there were about 60. In addition, radio and television programmes were broadcast in the languages of the main immigrant groups.

17. One expert had noted the relatively low State budget allocation for culture. It should be pointed out that the figure of 0.7 per cent he had given did not include spending by municipalities and county councils.

18. To the question whether special schools existed to provide instruction in various arts or sports, he replied that there were such schools at the secondary and higher level. Regarding the educational role of television, special programmes were produced for schools and a commission had also been appointed to study the possibility of using television for distance education.

19. In providing subsidies to cultural institutions, the State sought to promote culture as widely as possible and to ensure that cultural establishments survived; consequently, the prices of their entrance tickets were often very low. As he recalled, there were also special rates for pensioners and students. Aid for sports activities amounted to SKr 350,000 per year.

20. Some Committee members were concerned about the possible impact of marketization in Eastern Europe on Swedish culture. No immediate effects could be discerned, in his opinion, but the changes in the East were the focus of public debate, especially in circles responsible for the dissemination of culture. As to whether the new Swedish Government would adopt a different cultural policy from that of its predecessor, the very recent establishment of a Ministry of Culture was an encouraging initial response, but it was not yet possible to say how much of its budget the new Government would devote to culture.

21. Mrs. JIMENEZ BUTRAGUENO inquired about the proportion of women employed in the health professions as doctors, nurses, etc.

22. Mrs. IDER, noting the large subsidies allocated for sports, asked whether their purpose was to facilitate the practice of sports by the population as a whole or to enable sports associations to train extremely able sportsmen to take part in the Olympic Games, for example.

23. Mr. DANIELSSON said that he did not have figures available to give a statistical breakdown by sex for the health professions. The aim of subsidies for sports was both to facilitate the practice of sports in general and to train top-class sportsmen.

24. Mr. MUTERAHEJURU said that he would like to know what difference there was between a State church and a State religion.

25. Mr. DANIELSSON replied that, in his view, the term "State religion" implied that the religion in question was compulsory in the country concerned. In the term "State church" the emphasis was on the word "church", and any church meant a community, or association of some kind, to which citizens could belong but were also free to leave.

26. The CHAIRMAN informed the representative of Sweden that the Committee's concluding observations would be communicated to him as soon as they had been adopted. He announced that the Committee had thus completed its consideration of the second periodic report of Sweden.

27. Mr. Danielsson and Mr. Eriksson (Sweden) withdrew.

ORGANIZATION OF WORK (agenda item 4) (continued) (E/C.12/1991/WP.2)

28. The CHAIRMAN proposed that the Committee should make use of the time available before the introduction of the report of Spain to consider the question of drafting an optional protocol to the International Covenant on

Economic, Social and Cultural Rights, which would permit the submission of communications pertaining to some or all of the rights recognized in the Covenant.

29. It was so decided.

30. The CHAIRMAN introduced the discussion note (E/C.12/1991/WP.2) he had prepared for consideration of the question. He was convinced that the Committee would not acquire the maturity and degree of specificity required in its work unless it had the opportunity to examine in detail particular issues relating to the International Covenant on Economic, Social and Cultural Rights. The adoption of a complaints procedure relating to economic, social and cultural rights would in no way constitute a precedent as such procedures already existed within UNESCO, for example, covering rights in the educational, scientific and cultural fields, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in December 1990, provided for the establishment of a committee having competence to receive and consider communications (art. 77). That Convention, moreover, dealt with many economic, social and cultural rights which, in a broader context, were a concern of the Committee. Furthermore, many proposals had been made in the Council of Europe for the establishment of a complaints procedure under the European Social Charter. Lastly, the "1503 procedure" followed in the Commission on Human Rights had, in principle at least, always been applicable to economic, social and cultural rights.

31. There was no reason to fear that the Committee would be deluged with complaints if it adopted such a procedure. The Committee on the Elimination of Racial Discrimination, for example, had received only two complaints in seven years. However, it was a fact that the Human Rights Committee increasingly had to consider complaints relating to economic, social and cultural rights such as the right to strike or to social security that could equally well be considered by the Committee on Economic, Social and Cultural Rights. It was quite clear, all the same, that a protocol to the International Covenant on Economic, Social and Cultural Rights could only be an optional one: complaints could be lodged under such a protocol only against States that had ratified it.

32. The Committee did not, of course, have competence to decide whether an optional protocol should be drafted; it could only make recommendations and invite States to consider the possibility of elaborating such a protocol. His discussion note did not have to be adopted formally as a Committee document and was merely intended to provide food for thought on the issues it raised. Rapid progress could certainly not be expected on the proposal to draft a protocol. The discussion note therefore marked only the beginning of a process that might take five to seven years.

33. The discussion note did not deal with the most important issues: how to determine who would be the petitioners, in regard to what rights complaints could be submitted and what kind of remedies or approach the Committee might adopt in response. If the Committee so wished, he was ready to continue his

analysis and efforts, and consider how the Committee might proceed, in particular with regard to other bodies such as the Commission on Human Rights and the Economic and Social Council.

34. Mr. RATTRAY observed that emphasis was now very often being placed on the interdependence and indivisibility of all human rights, to which reference was made in paragraph 28 of the discussion note. Yet whereas in the field of civil and political rights there existed an optional protocol and procedures for the promotion and protection of those rights, nothing similar existed in the field of economic and social rights. Without underestimating the difficulties stemming from the nature of the rights guaranteed in the International Covenant on Economic, Social and Cultural Rights, a dialogue or process that would make it possible to identify areas which lent themselves to the progressive establishment of remedies should be initiated.

35. A number of issues called for more detailed study. First, if a complaints procedure were to be instituted, who would have standing to file complaints? Since the Covenant provided for the progressive realization of the rights set forth therein, would the petitioner be required to prove that the harm he suffered was greater than that of the national community as a whole or that he was more aggrieved than the rest of the community as a result of being discriminated against? Second, a provision comparable to the clause regarding the exhaustion of domestic remedies, as provided for in the field of civil and political rights, would have to be envisaged. If confrontation with States was to be avoided, they must be given the opportunity to apply domestic remedies before the complaint could be taken up by an international body. The rule as to the exhaustion of domestic remedies was, of course, embodied in most other conventions.

36. Third, it would be necessary to determine benchmarks and consider what preconditions had to be met for a complaint to be judged admissible. That would help to prevent the Committee from being "deluged" with complaints, and, once again, avoid confrontation with States.

37. Fourth, attention must be paid, especially in the economic and social fields, to the "internationalization" of issues. International policies, in particular those of the international financial institutions, affected the capacity of States to manage their resources without jeopardizing the realization of economic and social rights set forth in the Covenant. The Committee had always maintained that in times of economic crisis it was more important than ever to protect the marginalized and disadvantaged groups of society, especially as the structural adjustment programmes imposed by many of the international financial institutions set conditions linked with the grant of aid that often called for the elimination of subsidies to such groups. Should an optional protocol to the International Covenant on Economic, Social and Cultural Rights allow for complaints to be lodged against those institutions? That was an extremely controversial question, but one that the Committee could not ignore if it was to face the problems involved with realism.

38. Lastly, it would be necessary to study the question of whether the opportunity for submitting complaints to the Committee should be provided at first in respect of a small number of rights covered by the Covenant, which

would be gradually increased, or in respect of all such rights, with certain benchmarks being used as criteria for determining whether the complaint was admissible, i.e. whether or not there had been a violation.

39. Mr. ALVAREZ VITA said that the excellent discussion note prepared by the Chairman came at an opportune moment when, with the easing of international tensions, the debate on whether civil and political rights were more important than economic, social and cultural rights was becoming irrelevant. The doctrine of the interdependence and indivisibility of all human rights (E/C.12/1991/WP.2, para. 28) - to which could be added the interrelationship of human rights - must be the basis for all work undertaken by the Committee on drafting an optional protocol. He would be pleased to share with the Chairman the theoretical observations he and his students had made recently on the issues dealt with in the note. He would also be pleased to inform the Chairman of certain cases in which the International Covenant on Economic, Social and Cultural Rights had been invoked in the courts and cited in their decisions.

40. Mr. MRATCHKOV said that the Chairman's discussion note, following on from the general comments made by the Committee three years earlier, represented a fundamental step forward in its work. For his part, he was in favour of the drafting of an optional protocol, both because it would reinforce the practical application of the Covenant and because the Covenant would no longer be considered as a "poor relation" among the human rights instruments.

41. Nevertheless, he was aware of the difficulties involved in such a project. It would be necessary to define in particular the relationship between the procedure in domestic law established by the national legislation of each State party and the procedure that would be instituted by the protocol: would those two procedures operate in parallel or would the procedure provided for by the protocol constitute an extension of the domestic procedure, following exhaustion of the remedies available under the domestic law of the State party concerned?

42. He saw no objection to allowing individuals to submit communications relating to violations of the rights set forth in the Covenant, but he wondered whether non-governmental organizations or associations should not also be entitled to refer cases to the Committee.

43. Concerning the rights whose violation could be the subject of a complaint, he thought that it would be necessary to choose those whose violation could give rise to a domestic remedy or to an international remedy before the Committee: that was the case with the rights set forth in article 6 and some of the rights covered by article 7 of the International Covenant on Economic, Social and Cultural Rights. Regarding the right of association, some mechanisms had already been established within the International Labour Organisation and the respective powers of the Committee and ILO in that area would have to be delimited carefully to avoid any overlapping. The same applied to the right to education, where there could be overlapping between action by the Committee and by UNESCO.

44. Lastly, he wondered about the content and the legal and political nature of the decisions the Committee would adopt on complaints that might be brought before it. In his view, the supervision the Committee would be called upon to exercise could involve drawing the attention of States to recorded cases of violations, so that they more fully respected citizens' economic, social and cultural rights, but it would not be able to go beyond that.

45. In conclusion, he believed that further consideration should be given to the question of drafting an optional protocol.

46. Mrs. IDER said that she was in favour of drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights, provided that overlapping with other international instruments was avoided. She also wished to emphasize that, if such a protocol was adopted, the procedure of private petition must not be allowed to begin until all the available domestic remedies had been exhausted.

47. Referring to Mr. Rattray's last comment, she felt that it would indeed be necessary to consider allowing individuals to submit complaints concerning the violation of economic, social and cultural rights by international institutions.

48. Furthermore, she too believed that a selection of the rights that could be the subject of a communication must be made to avoid any overlapping with the activities of other bodies. Lastly, an optional protocol would help to strengthen the dialogue with States and call public attention to the rights set forth in the Covenant.

49. Mr. KOUZNETSOV supported the idea of drafting an optional protocol and assured the Chairman of his full cooperation. He hoped that the Committee would examine that question at every session; for his part, he would present a paper at the Committee's next session, setting out his comments on the Chairman's discussion note and making proposals.

50. Mr. KONATE said he had thought that the Committee would confine itself to discussing the arguments put forward by the Chairman regarding the advisability of drafting an optional protocol, but he observed that it was already dealing with the crux of the matter. Consideration had not been given to every possible means of helping the international community to strengthen respect for the rights set forth in the Covenant. In his view, an optional protocol would not necessarily allow for better implementation of the provisions of the Covenant, particularly as there was no proof that the Optional Protocol to the International Covenant on Civil and Political Rights had strengthened either respect for civil and political rights or the authority of the Human Rights Committee. On the other hand, that Protocol had assured the Human Rights Committee of the political support of some United Nations organs, notably the Commission on Human Rights and the superior bodies, the Economic and Social Council and the General Assembly. The adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights might give the Committee the same political support.

51. With regard specifically to communications, he thought that the optional protocol should initially be limited to States parties. They would be able to raise the matter of international responsibility in respect of a State which in their view was not fulfilling its obligations under the Covenant, as under article 41 of the International Covenant on Civil and Political Rights. Indeed, most of the rights set forth in the International Covenant on Economic, Social and Cultural Rights concerned only States and could not be invoked before the national courts.

52. The CHAIRMAN announced that the Committee would continue its consideration of the question at a later meeting.

CONSIDERATION OF REPORTS (agenda item 7) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Spain (E/1990/7/Add.3)

53. At the invitation of the Chairman, Mrs. Cases Ponz, Mrs. Gavira Golpe, Mrs. Batres Rodriguez and Mr. Losada (Spain) took places at the Committee table.

54. Mrs. CASES PONZ (Spain) said that she was especially pleased to introduce her country's report on articles 13 to 15 of the Covenant as the educational system in Spain had just undergone profound change. The new Constitution of 1978 stipulated that everyone had the right to education and the new system accorded particular attention to economically and socially disadvantaged children and children who were physically handicapped or had psychological problems. The organic law concerning the right to education also allowed for democratic participation from parents, teachers and pupils in the administration of schools.

55. Another organic law had been passed recently calling for a complete restructuring of the educational system, where change had become imperative in view of the transformations in Spanish society and the need to adapt the system to the requirements of the labour market. Modernization of the educational system had also been considered justified for other reasons, first of all the fact that compulsory schooling had ended at the age of 14 whereas the minimum age for initial employment had been set at 16. In addition, pupils obtaining their school-leaving certificate at the end of the period of compulsory education had been able to continue with their studies and take the baccalaureate examination, whereas there had been no alternative for those who failed but to follow vocational training. Furthermore, vocational training had been too academic, the baccalaureate had been exclusively oriented to university entrance and there had been no pre-school education. The new organic law was therefore designed to meet three main objectives, the first being to extend compulsory basic education to the age of 16. Secondly, it sought to restructure the educational system, which had been divided into two main categories: general and specialized education. General education comprised five levels: pre-school education up to the age of 6; primary education from 6 to 12; secondary education from 12 to 18, including

compulsory fundamental education up to the age of 16, four types of baccalaureate (arts, natural sciences and health, technology, human and social sciences) and basic vocational training; intermediate vocational training from the age of 16 with higher training after the baccalaureate; and university education. The teaching of languages and training in the arts (music, dance, drama, plastic arts) were now part of a special system and would be regulated in detail.

56. In the supplementary documentation transmitted to the Secretariat, the experts would find more extensive information on the various components of the new educational system. The outstanding feature of the new system was undoubtedly vocational training, which was undergoing major reform. Elementary and higher vocational training programmes would be developed in association with the social services and geared to the needs of the industries in which pupils and students would later be employed. As early as 1983, theoretical training had been supplemented by practical training in enterprises. Those practical training courses, instituted by an agreement between employers' organizations and the Ministries of Labour and Education, gave intermediate students and teachers the opportunity to acquaint themselves with productive activities.

57. In addition, an interministerial advisory body, the General Council for Vocational Training, had been set up in 1986. In each province there was a provincial commission which included representatives of the Ministries of Labour and Education, trade unions and employers' associations and whose function was to design and plan local vocational training in the light of what industries existed in that province.

58. The third objective of the organic law was to improve the quality of education by redesigning school programmes, reorganizing educational centres and providing adequate resources. In that regard, the law placed emphasis on the training and qualifications of teachers, teaching materials, research and innovation in education, academic and vocational guidance and inspection and evaluation of the system.

59. Under the organic law, pupils with learning difficulties or other handicaps would now receive an education in institutions belonging to the general system that was suited to their needs and designed to meet the objectives set for all pupils in such institutions.

60. The extension of the school-leaving age to 16 and access to education for a greater number of young people were undoubtedly the best way of ensuring equality for all in the long term. The same law nevertheless provided a series of measures to compensate for inequalities where they existed.

61. Also under the new law, religious instruction was provided in accordance with an agreement between the State and the Holy See. Lastly, the law recalled the fundamental principles relating to the status of teachers in the national education system, established the organizational framework for teaching staff in the autonomous communities and protected the rights of teachers regardless of the administration under whose responsibility they came. It was to be noted that the provisions of the law applied to both public and private education, whether or not subsidized.

62. The reform of the educational system would be extended over a period of 10 years, thereby permitting a progressive evaluation of the results and enabling any necessary adjustments to be made. For the reform to succeed, it was essential that everyone, teachers, parents and pupils, should take an active part at all levels.

63. Mrs. GOLPE (Spain), taking up the question of the application of the rights covered by article 15, concerning cultural life, recalled the fundamental principles of the 1978 Constitution and the main goals it set for the decentralization of culture. Although the Constitution of 1978 preceded Spain's initial report, it was worth referring to it again in the context of the second periodic report because, more than previous constitutions, it attached very great importance to culture and aimed to provide original solutions to the difficult and long-standing problem of cultural pluralism in Spain.

64. The Constitution (art. 20) ensured respect for the right to creation and to literary, artistic, scientific and technical production, providing maximum guarantees of that right through the regulation of its exercise by statute and its development by means of an organizational law. Protection was, in addition, afforded by the ordinary courts, by the Constitutional Court and through special constitutional remedies (arts. 53, 81, 161 and 168).

65. Neither the centuries nor the centralist policies of the former regime had overcome the cultural pluralism in Spain, but the Constitution established the existence of a common culture, resulting from the interaction of the cultures of the various peoples of Spain, and at the same time ensured respect (art. 3) for the community of the various national languages, including Castillian Spanish.

66. The Constitution attached the same importance to cultural progress as to economic development and combined the two in the concept of the quality of life (preamble). The public authorities were called on not merely to guarantee the freedom and diversity of culture but to promote the cultural flourishing of society, as well as scientific and technological progress. The realization of those rights and obligations demanded major resources and their effective utilization was therefore a principal goal of economic and social policy.

67. The decentralization of the public authorities was both the consequence of Spain's cultural pluralism and the guarantee of its preservation, since the autonomous communities had an important role to play in the promotion of their cultures. Under article 148 of the Constitution, the autonomous communities were vested with responsibility for museums, libraries, conservatories of music and monuments, as well as for the development of culture, research and teaching of the community language. Article 149 conferred on the State exclusive competence in legislative matters relating to intellectual and industrial property, the development and overall coordination of science and technology, regulation of the mass media and protection of the nation's cultural heritage. Those parallel powers had given rise to disputes that had been brought before the Constitutional Court; its main decisions were reproduced in the annexes to the documentation transmitted to the Secretariat, which also contained the texts of enactments supplementing the Constitution.

68. Mrs. CASES PONZ (Spain), referring to the list of issues prepared by the pre-sessional working group (E/C.12/WG/1991/CRP.7), said that she would begin by dealing with the general framework within which the Covenant was implemented and the first issue, concerning difficulties the Spanish Government might be encountering in fulfilling its obligations under articles 13 to 15. The authorities had met no resistance from parents when providing compulsory education to children, except among some underprivileged ethnic minorities, notably the Gypsies. That problem seemed well on the way to being resolved through integration measures in education, on which she would elaborate when replying to the third set of questions on the list.

69. Free choice of school had presented difficulties in some cases where the school chosen received public subsidies. That question had been settled by a Supreme Court ruling which declared that the State was required to subsidize a sufficient number of schools to provide the free basic compulsory education to which school-age children were entitled, but that it was not required to finance private schools to the full extent necessary for education in those schools to be free of charge.

70. With regard to the second item on the list, concerning educational reform, she felt that she had replied to the questions in her description of the new educational system that had been instituted.

71. Regarding the third item on the list, concerning progress made in the application of articles 13 to 15, the idea she had mentioned in her introductory statement of integrating children from disadvantaged backgrounds with learning difficulties, as well as physically and mentally handicapped children, into the classroom situation had produced very satisfactory results. In that regard, contacts with the parents were particularly important. The teacher-pupil ratio was 1 to 25 at most in the public and private schools taking part in the integration programme. A total of 753 schools, with more than 2,000 teachers, had been involved in the programme in 1989/1990, offering places for about 15,000 pupils.

72. A system of so-called compensatory education also existed to meet the needs of young people who, for a variety of social, economic or sometimes geographical reasons, were illiterate or had dropped out of school. In particular, provision was made under that system for educational support measures in rural areas, courses of vocational training for young people leaving school without completing compulsory education, literacy campaigns, follow-up for children in marginal groups - especially Gypsies, Portuguese and Moroccans - and measures to assist children of migrant workers or itinerants.

73. Adult education addressed similar problems and needs. The Ministry of Education and Science was continuing to provide adults with the opportunity to receive general or fundamental education or work-related training, as well as guidance on their rights, civil responsibilities and participation in society. In addition, it was endeavouring to extend the network of adult education centres and to involve other organizations and institutions more actively in the development of programmes of that kind. The national committee for International Literacy Year, 1990, had coordinated a number of initiatives and measures and had encouraged an exchange of information with a view to drawing up a plan of action for the elimination of illiteracy in Spain

by the year 2000. Lastly, the public authorities had embarked on a fundamental transformation and diversification of distance learning, which had proven its effectiveness among adults. The measures to assist adults had generally produced good results.

74. Between 1982 and 1990, the school enrolment rate had improved markedly: for children aged 4 and 5 and adolescents aged 14 and 15, it now reached almost 100 per cent; for young people aged 16 and 17, it had risen from 51.5 per cent to 63 per cent, and had remained at 100 per cent for children aged 6 to 13. The teacher-pupil ratio was improving, indicating a better quality of education. During the 1990/1991 school year, the ratio in public institutions had been 1 to 23.77 for pre-school education, 1 to 21.49 for primary education, 1 to 16.63 for secondary education and nearly 1 to 13 for vocational education; the figures were slightly higher in the private sector. The Ministry of Education and Science was endeavouring to improve further on those results. The increase in the number of scholarships and educational assistance had been spectacular; total subsidies had risen from 6,879 million pesetas in the 1982/1983 school year to 64,989 million pesetas for the current year.

75. The CHAIRMAN said that the representatives of Spain would continue their statement at the following meeting.

The meeting rose at 1 p.m.